

618 Such changes, if unimportant, might be made by him;
 423 more important ones, or contested cases, had to be referred to the
 [627] council of the kinship, which in turn often appealed to a gathering
 of the entire quarter.⁹⁶

The "calpulalli" was divided into lots or arable beds, "tlal-
 milli."⁹⁷ These were assigned each to one of the married males
 of the kinship, to be worked by him for his use and that of his
 family. If one of these lots remained unimproved for the term
 of two consecutive years, it fell back to the quarter for redistribu-
 tion. The same occurred if the family enjoying its possession
 removed from the calpulli. But it does not appear that the cul-
 tivation had always to be performed by the holders of the tract
 themselves. The fact of improvement under the name of a cer-
 tain tenant was only required; to insure this tenant's rights.⁹⁸

622 Therefore the chiefs and their families, although they could not,
 618 from the nature of their duties, till the land themselves, still could
 423 remain entitled to their share of "tlalmilpa," as members of the
 calpulli. Such tracts were cultivated by others for their use.
 They were called by the specific name of "pillali" (lands of the
 chiefs or of the children, from "piltontli" boy, or "piltzintli,"

⁹⁶ Zurita ("Rapport, etc.," pp. 56 and 68). We quote him in preference, since no other author, known to us, has been so detailed.

⁹⁷ "tlalmilli" "tierras, é heredades de particulares, que estan juntas en alguna vega" (Molina, *Part II*, p. 124).

⁹⁸ Each family, represented by its male head, obtained a certain tract or lot for cultivation and use, Zurita (p. 58). "The party (member of the calpulli, because no member of another one, had the right to settle within the area of it. see *Id.* p. 53), who has no lands, applies to the chief of the calpulli who, upon the advice of the other old men, assigns to him such as correspond to his ability and wants. These lands go to his heirs " *Id.* (p. 56). "The proprietor who did not cultivate during two years, either through his own fault or through negligence, without just cause he was called upon to improve them, and if he failed to do so, they were given to another the following year." Bustamante ("Tzucroco, etc.," *Parte III*, p. 190, cap. I). The fact, that any holder of a "tlalmilli" might rent out his share, if he himself was occupied in a line precluding him from actual work on it, results from the lands of the "calpulli" being represented alternately treated as communal, and again as private lands. Besides, it is said of the traders who, from the nature of their occupation, were mostly absent, that they were also members and participants of a "calpulli" (Zurita, p. 222. Sahagun *Lit. VIII*, cap. III, p. 340). Now, as every Mexican belonged to a kinship, which held lands after the plan exposed above, it follows that such as were not able to work themselves, on account of their performing other duties subservient to the interests of the community, still preserved their tracts by having others to work them for their benefit. It was not the right of tenancy which authorizes the improvement, but the fact of improvement for a certain purpose and benefit, which secured the possession or tenancy.

child),⁹⁹ and those who cultivated them carried the appellation of *tlalmaitl* — hands of the soil.¹⁰⁰ 622
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The "*tlalmilpa*," whether held by chiefs or by ordinary members of the kin ("*macehuales*") were, therefore, the only tracts of land possessed for use by individuals in ancient Mexico. They were so far distinguished from the "*tecpantlalli*" and "*tlatocatlalli*" in their mode of tenure as, whereas the latter two were dependent 423

"It is just the "*pillali*" which oppose the greatest difficulties to this investigation, and to a clear conception of the mode of tenure of lands in ancient Mexico. They are generally represented (whenever mentioned), as private domains of the chiefs. Torquemada (Lib. XIV, pp. 545 and 546), distinguishes two kinds of "*pillali*." The first one he says might be sold,—but he places the restriction upon them, that such as held lands through conquest ("*sujeccion*") or through gift ("*merced*") of the chief, had to go to the descendants, as majorat; and if they died without heirs, the King, or Lord became such, and they were incorporated into his royal Estates." The other kind was not transmissible at all. Clavigero (Lib. XVII, cap. XIV). We notice here a confusion between official tracts and such lots of the "*calpulli*" as pertained to the chief's family in consequence of their membership of the Kin. Also between "*tribute-lots*" and the official tracts, of conquered tribes. Torquemada acknowledges, that the "*pillali*," upon the death of the family, were incorporated in the *calpulli* to which that family belonged, "in order that they might pay tribute." This ought to define their true position and nature. [428]

"From "*tlalli*" soil, and "*maitl*" hand. Hands of the soil. Molina (Parte IIa, p. 124), has: "*tlalmaitl*" — "*labrador, ó gañan*." This name is given in distinction of the "*macehuales*" or people working the soil in general. The *tlalmaites* are identical with the "*mayeques*." See Zurita (p. 224), "*tlalmaites* or *mayeques*, which signifies tillers of the soil of others" He distinguishes them plainly from the "*terracales*" which are the "*tecpantouhque*" or "*tecpantlaca*" formerly mentioned as attending to a class of official lands (p. 231, Zurita). Herrera (Dec. III, lib. IV, cap. XVII, p. 136). "These *mayeques* could not go from one tract to another, neither leave those which they cultivated, and they paid a rent to its masters according as they agreed upon ("*en lo que se concertaban*") in what they raised. They paid tribute to nobody else but the master of the land." This tends to show that there existed, not an established obligation, a serfdom, but a voluntary contract, that the "*tlalmaites*" were not serfs, but simply renters. Torquemada (Lib. XIV, cap. VII, p. 545), ". . . those that were knights ("*caballeros*") and descendants of the families of the Kings, and Lords, had their particular lands and their rentals, where many of them held renters ("*terrazgueros*") which served them, tilled the crops and served them in their houses. These lands were called *pillali* or "land of nobles and knights." We prefer the etymology "*pillantli*" "*niso ó nisa, muchacho ó muchacha*" (Molina, II, p. 82), or "*pillantli*" "*niso ó nisa*" therefore lands of the children,—to the derivation from "*pilli*." The title of chief was "*tecutli*," and the word "*pilli*" substituted for it is certainly but in connection with the occupation of a particular place of office, and not a title itself. Bustamante ("*Tenoco*, etc.," p. 336). "The sovereigns as well as the inferior Lords and other principals had their own patrimonial estates, and in them their *mayeques* or *tlalmayes*, what these gave of rent were tributes of the Lord," Id. pp. 223 and 234). 427

The "*tlalmaites*" appear to have been free from other tributes, and free from communal labor outside of the "*pillali*" (Bustamante, p. 223. Herrera, Dec. III, lib. IV, cap. XVII, p. 136). It is not very clear, however, whether this applies simply to the conquering tribe alone, or also to the *tlalmaites* of conquered tribes, as towards the tributes due by that tribe to their conquerors. The detailed relations between the two are yet somewhat obscure and confuse in some points. [447]